

Remarks

Applicant appreciates the attention of the Examiner to the application. The Office Action and Advisory Action (issued prior to the RCE filing) have been reviewed with care in preparation of this response. The proposed amendments above and the following remarks are believed to be fully responsive to these actions. Applicant thanks the Examiner for her informal indication that claims 1-20 are allowed. Claims 21-28 have been cancelled without prejudice for ease in facilitating the continued prosecution of this application. Claims 29-35 are newly added in this request for continued examination.

Applicant wishes to thank the Examiner for her courtesy in granting the telephonic interview on August 10, 2005. During that interview, a number of points were discussed and the undersigned counsel indicated that an RCE would be filed.

During the interview, the Examiner indicated that the section 112 problem noted with respect to claim 21 would be overcome by the proposed post-final amendment of such claim. She indicated, however, that the change would require further searching. New independent claim 29, which replaces claim 21, is written in a manner avoiding the section 112 rejection. An editing error in the wording of previously amended claim 21 is now corrected. New claim 29 is not only clear, but is patentably distinct over the prior art, including the Young patent (No. 881,039) which was applied against other claims.

Another issue discussed during the telephonic interview related to claim 23 and the Examiner's earlier objection to this claim for a double positive recitation of a claim limitation. Counsel and the Examiner agreed to an appropriate correction of claim 23 during the interview. Note that claim 23 is now replaced by new dependent claim 31, which does not have the double inclusion problem.

Next, the undersigned and the Examiner discussed claim 26 and the Examiner's earlier rejection of this claim as being anticipated by Young. Counsel provided the Examiner with a proposed amendment. New claim 34 is similar to such proposed claim, except that the ordering of phrases of the claim has been somewhat altered to improve readability. During the interview, the Examiner agreed that proposed amended claim 26 would not be anticipated by Young; more

specifically, the Examiner indicated that, based on the existing search, patentable subject matter was present. However, the Examiner was also clear in stating that some further searching would be necessary.

New claims 29-35 are all fully supported by the specification, including the text and the drawings thereof.

We now turn to a discussion of the patentability of claims 29-35 in light of the prior art that was applied with respect to independent claim 26 – i.e., the Young reference. Independent method claim 34 will be discussed, and from such discussion it will be fully apparent the independent apparatus claim 29 is likewise patentable over the prior art.

Claim 26, which is now replaced by new claim 34, was rejected under 35 USC 102(b) as being anticipated by Young. Claim 34 specifies a method of harvesting cranberries including moving dislodging rods through cranberry plants where each rod “extend[s] laterally and transverse with respect to the direction of movement of the frame, the rods together being substantially in a single plane parallel to the field surface.” Young does not disclose frame-mounted dislodging rods that extend laterally with respect to the direction of movement of a frame. First of all, it is noted that Young does not even have dislodging rods; what he has are blades. Equally significant, however, is that, contrary to the requirements of claim 34, the “blades” in Young, which are curvilinear and each in a plane parallel to the direction of movement, in no sense extend laterally. Furthermore, in no sense does Young disclose multiple dislodging rods that are “in a single plane parallel to the field surface.” Thus, claim 34 is patentably distinct over Young.

The same distinctions apply with respect to rewritten independent apparatus claim 29.

Claim 35 replaces claim 28, which was rejected under 35 USC 103 as being unpatentable over Young in view of Patent No. 2,544,443 (Brateng). This rejection is traversed in view of the changes represented in claim 34 and the foregoing discussion.

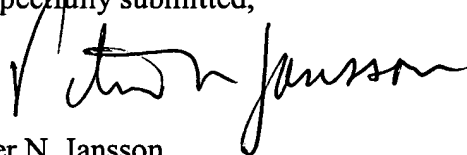
Applicant’s invention, as set forth in the amended claims, represents a unique, highly desirable and useful advance in the field of cranberry harvesting. Applicant has provided the cranberry industry with an inventive apparatus and method of harvesting cranberries which

represent a radical and highly advantageous departure from past equipment and methods, which had many problems and shortcomings as discussed in the specification.

Early favorable action is requested. The Examiner is invited to call the undersigned if such would be helpful in resolving any issue which might remain.

The Commission is hereby authorized to debit Deposit Account 10-0270 for the one-month extension fee and for the RCE filing fee. If any additional fees are due, please debit Deposit Account 10-0270 and inform the undersigned.

Respectfully submitted,



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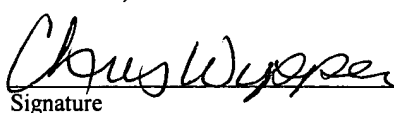
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP RCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on August 15, 2005.

Chris Wipper
Name

 8/15/05
Signature Date